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OFFICE OF PETITIONS

In re Application	:
Ronald A. Schachar	:
Application No. 09/589,626	:
Filed: June 7, 2000	:
Atty Docket No. PRES06-00147	:
	:
	:
	:

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(b)", filed February 27, 2008. Applicant requests that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be increased from the currently accorded nine hundred five (905) days to nine hundred eleven (911) days.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **nine hundred eleven (911) days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On November 27, 2007, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above identified application. The Notice stated that the patent term adjustment (PTA) to date is nine hundred five (905) days. On February 27, 2008, Applicant timely¹ submitted the instant application for patent term adjustment.

¹ Applicant filed the application for patent term adjustment together with the payment of the issue fee.

Applicant states that the patent issuing from the application is subject to a terminal disclaimer.

The Office initially determined a patent term adjustment of nine hundred five (905) days based on an adjustment of four hundred eighty-three (483) days of PTO delay pursuant to 35 U.S.C. 154(b)(1)(A)(ii) and 37 C.F.R. § 1.703(a)(2), four hundred four (404) days pursuant to 35 U.S.C. 154(b)(1)(A)(ii) and 37 C.F.R. § 1.703(b)(4), and one hundred eighty-eight (188) days pursuant to 35 U.S.C. 154(b)(1)(A)(iii) and 37 C.F.R. § 1.703(a)(5), reduced by ninety-seven (97), six (6), and sixty-seven (67) days of applicant delay pursuant to 37 C.F.R. § 1.704(b). The adjustment of 6 days is at issue.

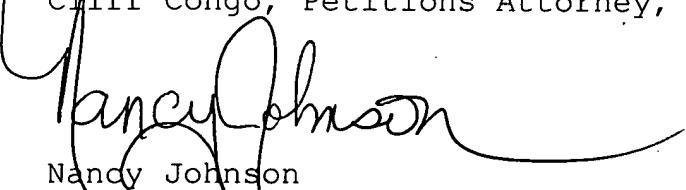
Applicant was assessed six (6) days of delay pursuant to 37 C.F.R. § 1.704(c)(8) for filing a terminal disclaimer on July 7, 2003, after he had previously filed an amendment on July 1, 2003. However, a review of the application file indicates that the terminal disclaimer was filed together with the amendment on July 1, 2003. Accordingly, no applicant delay should have been assessed for the filing of the terminal disclaimer.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is **nine hundred eleven (911) days** (1075 (483+404+188) days of PTO delay, reduced by 164 (97+67) days of applicant delay).

Receipt of the \$200 fee set forth in 37 C.F.R. § 1.18(e) is acknowledged.

The application is being forwarded to the Office of Data Management (formerly the Office of Patent Publications) for processing into a patent.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.


Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enc: updated PAIR screen

PALM INTRANET

PTA Calculations for Application: 09/589626					
Application Filing Date:		06/07/2000	PTO Delay (PTO):		1075
Issue Date of Patent:			Three Years:		0
Pre-Issue Petitions:		0	Applicant Delay (APPL):		170
Post-Issue Petitions:		0	Total PTA (days):		911
PTO Delay Adjustment:		6			
File Contents History					
Number	Date	Contents Description		PTO	APPL
103	07/28/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		6	
94	11/27/2007	MAIL NOTICE OF ALLOWANCE			
93	11/26/2007	ISSUE REVISION COMPLETED			
92	11/01/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
91	11/01/2007	DOCUMENT VERIFICATION			
90	11/01/2007	ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING			
89	10/23/2007	NOTICE OF ALLOWABILITY			
88	10/05/2007	DATE FORWARDED TO EXAMINER			
87	09/25/2007	AMENDMENT AFTER FINAL REJECTION		67	81
86	09/25/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
85	07/18/2007	MAIL ADVISORY ACTION (PTOL - 303)			
84	07/17/2007	ADVISORY ACTION (PTOL-303)			
83	07/10/2007	DATE FORWARDED TO EXAMINER			
82	06/25/2007	AMENDMENT AFTER FINAL REJECTION			
81	04/20/2007	MAIL FINAL REJECTION (PTOL - 326)		188	67
80	04/16/2007	FINAL REJECTION			
79	08/30/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
78	04/03/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
77	07/03/2003	TERMINAL DISCLAIMER FEE PAID			
74	02/26/2007	DATE FORWARDED TO EXAMINER			
73	02/09/2007	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
72	02/26/2007	DATE FORWARDED TO EXAMINER			

71	02/09/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)			
70	02/26/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
69	02/09/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
68	09/20/2006	COURT PROCESSING TERMINATED			
67	06/14/2006	DECISION BY CAFC - AFFIRMED			
66	03/03/2006	APPELLANT'S REPLY BRIEF			
65	01/23/2006	SOLICITOR ANSWER TO APPELLANT'S BRIEF			
64	09/06/2005	APPELLANT'S BRIEF ON APPEAL			
63	05/24/2005	APPEAL TO COURT OF APPEALS			
62	08/02/2006	DATE FORWARDED TO EXAMINER			
61	07/28/2006	AMENDMENT/ARGUMENT AFTER NOTICE OF APPEAL			
60	04/03/2006	REFERENCE CAPTURE ON IDS			
59.7	04/03/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
59	04/03/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
58.7	08/30/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
58	08/30/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
57	05/26/2005	NOTICE OF APPEAL FILED			
56	05/26/2005	NOTICE OF APPEAL FILED			
55	05/24/2005	APPEAL TO COURT OF APPEALS			
54	03/24/2005	MAIL BPAI DECISION ON RECONSIDERATION - DENIED			
53	03/24/2005	DEC ON RECONSIDERATION - DENIED			
52	01/27/2005	REQUEST FOR RECONSIDERATION OF APPEAL DEC			
51	01/27/2005	AMENDMENT/ARGUMENT AFTER BPAI DECISION			
50	01/27/2005	WORKFLOW INCOMING AMENDMENT IFW			
49	11/23/2004	MAIL BPAI DECISION ON APPEAL - AFFIRMED IN PART	404	32	
48	11/23/2004	BPAI DECISION - EXAMINER AFFIRMED IN PART			
46	10/22/2004	DOCKETING NOTICE MAILED TO APPELLANT			
45	10/22/2004	ASSIGNMENT OF APPEAL NUMBER			

44	09/29/2004	APPEAL AWAITING BPAI DOCKETING			
43	09/28/2004	MAIL REPLY BRIEF NOTED BY EXAMINER			
42	09/27/2004	REPLY BRIEF NOTED BY EXAMINER			
41	07/30/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
40	07/30/2004	DATE FORWARDED TO EXAMINER			
39	05/13/2004	REPLY BRIEF FILED			
38	03/09/2004	MAIL EXAMINER'S ANSWER			
37	03/08/2004	EXAMINER'S ANSWER TO APPEAL BRIEF			
36	01/02/2004	DATE FORWARDED TO EXAMINER			
35	12/23/2003	APPEAL BRIEF FILED			
34	10/24/2003	MAIL ADVISORY ACTION (PTOL - 303)			
33	10/24/2003	ADVISORY ACTION (PTOL-303)			
32	10/17/2003	NOTICE OF APPEAL FILED			
31	08/14/2003	MAIL NOTIFICATION OF TERMINAL DISCLAIMER - ACCEPTED			
30	08/14/2003	MAIL FINAL REJECTION (PTOL - 326)			
29	08/14/2003	FINAL REJECTION			
28	07/22/2003	NOTIFICATION OF TERMINAL DISCLAIMER - ACCEPTED			
27	07/07/2003	TERMINAL DISCLAIMER FILED	6	25	
26	07/15/2003	DATE FORWARDED TO EXAMINER			
25	07/01/2003	RESPONSE AFTER NON-FINAL ACTION	97	23	
24	07/01/2003	REQUEST FOR EXTENSION OF TIME - GRANTED			
23	12/26/2002	MAIL NON-FINAL REJECTION	483	13	
22	12/23/2002	NON-FINAL REJECTION			
21	10/29/2002	DATE FORWARDED TO EXAMINER			
20	10/29/2002	TO CLOSE THE A/R RECORD AND RESET THE STATUS FOR EXPIRED SUSPENSIONS.			
19	08/19/2002	CASE DOCKETED TO EXAMINER IN GAU			
18	04/23/2002	CASE DOCKETED TO EXAMINER IN GAU			
17	06/28/2001	MAIL LETTER OF SUSPENSION			
16	06/28/2001	LETTER OF SUSPENSION - EXAMINER INITIATED			
15	04/30/2001	MISCELLANEOUS INCOMING LETTER			
14	05/05/2001	DATE FORWARDED TO EXAMINER			
13	04/30/2001	RESPONSE AFTER NON-FINAL ACTION			
12	02/08/2001	MAIL NON-FINAL REJECTION			

11	02/08/2001	NON-FINAL REJECTION		
10	01/25/2001	CORRESPONDENCE ADDRESS CHANGE		
9.7	10/24/2000	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		
9	10/24/2000	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		
8	01/16/2001	CASE DOCKETED TO EXAMINER IN GAU		
7	12/14/2000	APPLICATION DISPATCHED FROM OIPE		
6	12/06/2000	APPLICATION IS NOW COMPLETE		
5	12/06/2000	CORRESPONDENCE ADDRESS CHANGE		
4	09/01/2000	NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED		
3	08/01/2000	CORRESPONDENCE ADDRESS CHANGE		
2	06/27/2000	IFW SCAN & PACR AUTO SECURITY REVIEW		
1	06/07/2000	INITIAL EXAM TEAM NN		

Search Another: Application#

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

Back to [OASIS](#) | Home page